

ZB# 95-37

Walter Olsen

24-4-8

Prelim.

July 10, 1995.

Notice to Sentinel 11/7/95
Use Variance

SEQR Form ✓

~~SEQR~~ to be
notified

① Deed ✓

② Title Report.

③ Photos ✓

List due:

Public Hearing:

Nov. 27, 1995.

Use Variance

Granted

Refund: \$171.50

95-37- Olsen, Walter

Use Variance 24-4-8.

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

15109

NOV. 7 1995

Received of Walter Olsen

\$ 50.00

Fifty 00/100 DOLLARS

For ZBA# 95-37

DISTRIBUTION:

FUND	CODE	AMOUNT
ck# 139		50.00

By Dorothy H. Hansen

Town Clerk

Title

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.

COPIES OF THIS SURVEY MAP NOT HAVING THE EMBOSSED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID.

CERTIFICATIONS SHOWN HEREON ARE NOT TRANSFERABLE TO ADDITIONAL INDIVIDUALS, INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS, OR SUBSEQUENT OWNERS.

EASEMENTS OR RIGHT-OF-WAYS ON, OR UNDER THE LANDS, AND NOT VISIBLE, ARE NOT SHOWN.


BEING:

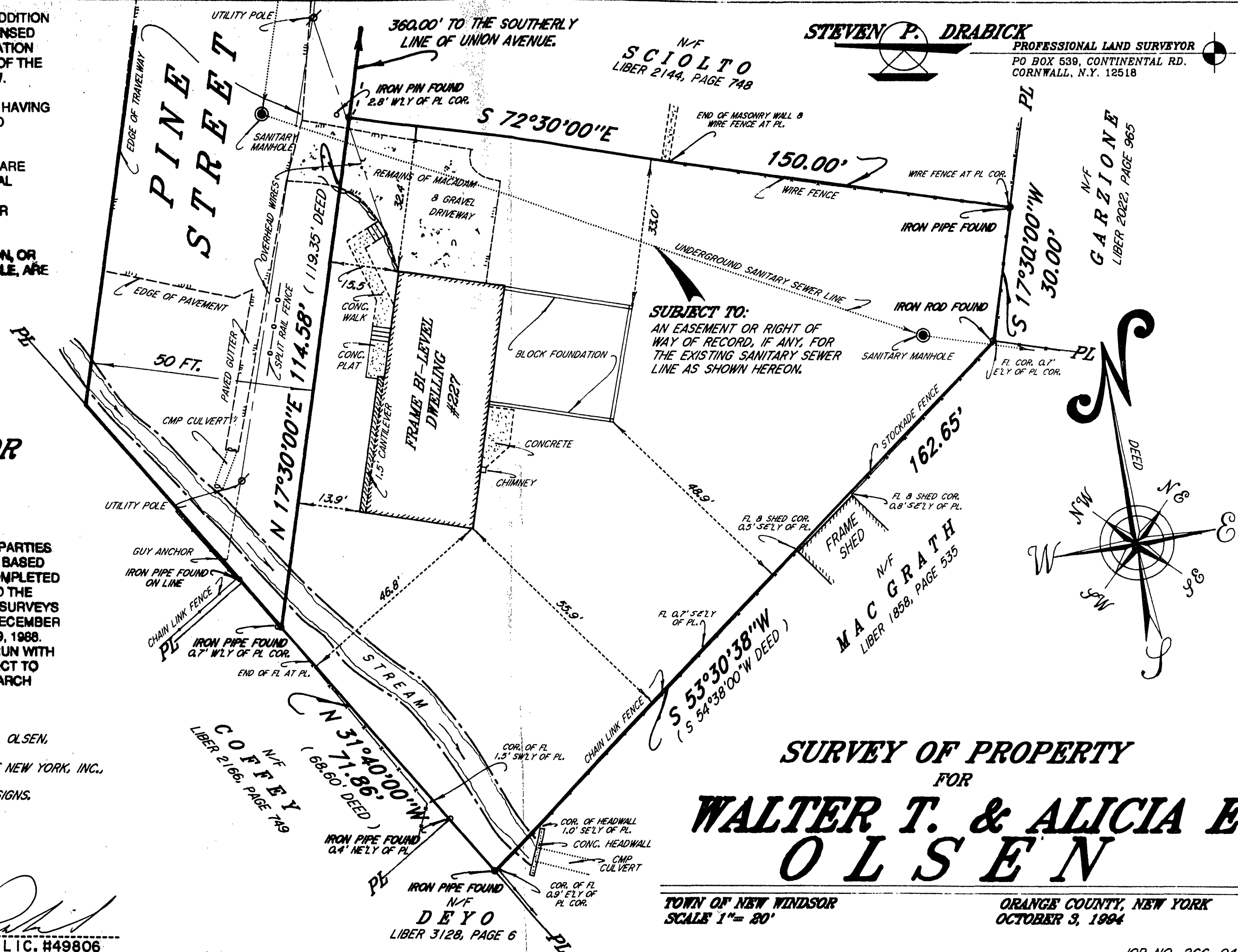
LOT 8, BLOCK 4, SECTION 24 AS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAP.

**AREA =
0.3826 ACRE OR
16,667 SQ. FT.**

I HEREBY CERTIFY ONLY TO THE PARTIES LISTED BELOW THAT THIS MAP IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED ON 9/27/94 AND CONFORMS TO THE MINIMUM STANDARDS FOR LAND SURVEYS ADOPTED BY THE D.H.L.S.A. ON DECEMBER 9, 1987 AND REVISED FEBRUARY 9, 1988. THIS CERTIFICATION DOES NOT RUN WITH TITLE TO THE LAND AND IS SUBJECT TO ANY STATE OF FACTS A TITLE SEARCH MAY REVEAL

- * WALTER T. OLSEN & ALICIA E. OLSEN,
- * CAROL OLSEN,
- * NATIONS TITLE INSURANCE OF NEW YORK, INC.,
- * WALDEN SAVINGS BANK,
- * ITS SUCCESSORS AND/OR ASSIGNS.


STEVEN P. DRABICK, PLS NY LIC. #49806



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Dlsen, Walter

FILE # 95-37

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE . 7/10/95 - 3 page \$ 13.50
2ND PRELIM. MEETING - PER PAGE . 11/21/95 - 10 page \$ 45.00
3RD PRELIM. MEETING - PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 58.50

ATTORNEY'S FEES:

PRELIM. MEETING- _____ HRS. 7/10/95 - 35.00 \$ _____
2ND PRELIM. _____ HRS. 11/21/95 - 35.00 \$ _____
3RD PRELIM. _____ HRS. \$ _____
PUBLIC HEARING _____ HRS. \$ _____
PUBLIC HEARING _____ HRS. (CONT'D) \$ _____
FORMAL DECISION _____ HRS. \$ _____
TOTAL HRS. _____ @ \$ _____ PER HR. \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

_____ \$ 128.50

LESS ESCROW DEPOSIT . . . \$ 300.00
(ADDL. CHARGES DUE) . . . \$ _____
REFUND TO APPLICANT DUE . \$ 171.50

(ZBA DISK#7-012192.FEE)

Refund due

[illegible]

WALTER T. OLSEN
ALICIA E. OLSEN
(RENTAL ACCOUNT)

355 BROWNS RD. 914-564-2650
WALDEN, NY 12586

139

50-7131/2219

PAY TO THE
ORDER OF

Town of New Windsor

11/6 19 95 \$ 50 ⁰⁰/₁₀₀

Five and no/100

DOLLARS



WALDEN SAVINGS BANK
Main Office
2 Bank Street / Walden, NY 12586

FOR ZBA-95-37.
⑆221971316⑆06 00 080550⑈ 0139

Walter

Guarder® Safety Blue WDBL

WALTER T. OLSEN
ALICIA E. OLSEN
(RENTAL ACCOUNT)

355 BROWNS RD. 914-564-2650
WALDEN, NY 12586

140

50-7131/2219

PAY TO THE
ORDER OF

Town of New Windsor

11/6 19 95 \$ 300 ⁰⁰/₁₀₀

Three hundred and no/100

DOLLARS



WALDEN SAVINGS BANK
Main Office
2 Bank Street / Walden, NY 12586

FOR ZBA-95-37.
⑆221971316⑆06 00 080550⑈ 0140

Walter

-----x
In the Matter of the Application of

WALTER OLSEN

DECISION GRANTING
USE VARIANCE

#95-37.
-----x

WHEREAS, WALTER OLSEN, 227 Pine Street, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a use variance to permit two-family residence in an R-4 zone at the above address; and

WHEREAS, a public hearing was held on the 27th day of November, 1995 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by himself and with Daniel S. Lucia, Esq. and Ernest Anderson, real estate broker; and

WHEREAS, there were three spectators appearing at the public hearing; and

WHEREAS, two persons spoke, one person stated she had no objection. The other person asked certain questions but did not voice either approval or objection once those questions had been answered.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The subject property is a one-family home in a neighborhood of one-family homes.

(b) The property is serviced by sewer and water.

(c) The property is the largest property in the neighborhood.

(d) The property was recently purchased for \$130,000.

(e) The property has been for sale for approximately one year during which time one offer was received of approximately \$95,000.

(f) The price range for properties in that neighborhood (although said properties would be smaller than the instant property) is approximately \$118,000 to \$120,000.

(g) The property is unique not only because it is larger than exists in the neighborhood, but also because it has four bedrooms on a single level.

(h) The residence could not be used for the other uses listed in the R-4 zone because of its location on a dead-end street with almost no turnarounds and since it is not visible from Union Avenue.

(i) The only changes proposed to the exterior of the building if the variance should be granted are the pouring of a concrete access walk to the rear door and to square off the parking lot to allow parking spaces sufficient for four cars.

(j) The proposed apartment is approximately 750 s.f. in size and so would basically be a studio apartment.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The applicant has proven to the Board's satisfaction that it cannot realize a reasonable return as demonstrated by competent financial evidence for each and every use permitted in the R-4 zone.

2. Any hardship relating to the property in question would appear to be unique in that the property is unlike any other property in the neighborhood or district.

3. A finding is made by the Board that the requested use variance would not result in an alteration of the essential character of the neighborhood or create a detriment to nearby properties.

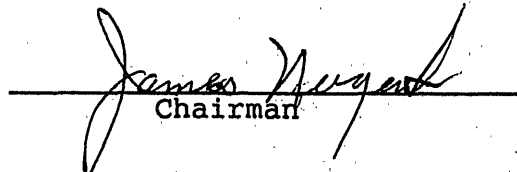
BE IT RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant a use variance to allow conversion of the existing single-family residence to a two-family residence located at 227 Pine Street in an R-4 zone, to applicant as proposed herein based on plans submitted to and filed with the Building Inspector.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: February 5, 1996.

(ZBA DISK#1-012996.WO)


Chairman

Date 12/4/95, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 147 Sycamore Dr. DR.

New Windsor, NY 12553

DATE	CLAIMED	ALLOWED
11/27/95	75.00	
Zoning Board Meeting Misc. - 1		
HRC - 6		
Rosenbaum - 6		
Taramanides - 3		
Roberts - 4		
Dori Associates - 9		
Olson - 10 \$ 45.00		
Schlesinger - 3		
Johnson - 3		
45 pp	202.50	
	277.50	

OLSEN, WALTER

Daniel S. Lucia, Esq. appeared before the board for this proposal.

MR. NUGENT: Request for two-family residence in R-4 zone located at 227 Pine Street. Use not permitted.

MR. LUCIA: Good evening once again. This is an application by Walter and Alicia Olsen to change an existing one-family dwelling at 227 Pine Street to a two family dwelling. Present with me tonight are Mr. Walter Olsen and real estate broker Ernestine Anderson. Let me give you just a little background on this. I didn't hand in a title report, this is as much as I was able to get despite repeated requests. I'll pass out to you a couple copies of the survey. Pine Street is a fairly short dead-end street, that runs off Union Avenue, I believe it was only five houses on it and the Olsen property is the very last house on the left-hand side as you go down Pine Street. There's a rise in Pine Street as you approach it from Union Avenue. I don't believe you can see the house from Union Avenue. So, it's fairly well concealed back there on the back of this dead-end street. What I have just handed you is a floor plan of the apartment that Mr. Olsen proposes to put in the basement of the property. It's fairly small one bedroom approximately 750 square feet and also handing you a copy of the zoning map with subject property highlighted. As you can see, it's a somewhat larger parcel than most of those in the neighborhood. Most of these pre-exist and are smaller than the zoning would now permit. What's somewhat unusual about this property is that it is improved by a rather large four bedroom split level home and it's a large home on a lot that is somewhat larger than is typical in the area and essentially, Mr. Olsen is finding that he cannot get a reasonable return on the property if used only for single family purposes. I know you hear this a lot but if you will run through the analysis with me, I'd like to bring up Mrs. Anderson, if you'd just come up, I'd like to have you go over some numbers with the board. Mr. Olsen, Mr. and Mrs. Olsen purchased this property from Mr. Olsen's mother just a little bit over a year ago in October of

1994 for \$130,000. And at that time, I think Mr. Olsen consulted Miss Anderson and also with his accountant they ran the numbers on the property and is it correct that that would have been approximately the value of the property in October of 1994?

MS. ANDERSON: Somewhere around that, yeah.

MR. LUCIA: Okay, Mr. Olsen found rather quickly he was having some difficulty in carrying the property despite the fact that he only has a \$60,000 mortgage on it and that is an adjustable 20 year mortgage so he probably has a mortgage that maybe 2/3 of what the average homeowner might be carrying on a similar piece of property. And because of that, turned around just about right away I guess about a year or so ago and listed the property for sale with you, is that correct?

MRS. ANDERSON: Yes.

MR. LUCIA: Do you recall what that listing price was?

MRS. ANDERSON: 129,9.

MR. LUCIA: Did the property sell at that price?

MRS. ANDERSON: No, it did not.

MR. LUCIA: Mr. Olsen reduced the asking price in a couple stages.

MS. ANDERSON: We were bringing it down in increments of three or four thousand in each time.

MR. LUCIA: And in the whole time this property has been on the market that is for about a whole year you had it?

MRS. ANDERSON: One year.

MR. LUCIA: Have you had any offers on it?

MRS. ANDERSON: We had one offer of \$100,000 with \$5,000 return sellers concession meaning that they are asking the seller to please contribute \$5,000 towards

the closing costs and that was the only offer we had on the property.

MR. LUCIA: That single offer, I mean if we took out the 6 percent broker's commission would net Mr. Olsen about \$93,700.

MRS. ANDERSON: Ahuh.

MR. LUCIA: Depending on what numbers you use that is a 28 percent loss against the \$130,000 price. Now, it's probably reasonable to ask since this was a family deal you know was the \$130,000 price that Mr. Olson set with his mother, was that realistic and that is something I put to Miss Anderson and I understand you did an analysis of other properties for sale?

MRS. ANDERSON: Yes.

MR. LUCIA: What would be a reasonable range for what's been on the market in the last year or so for similar type properties in the area?

MRS. ANDERSON: You're talking somewhere around \$118,000 to \$122,000.

MR. LUCIA: So if we took a midpoint.

MRS. ANDERSON: For the size of the house.

MR. LUCIA: This is a four bedroom house?

MRS. ANDERSON: It's unusual because most homes whether they are bi-level, split level in that category don't have four bedrooms on one level. You'll have four bedrooms on one level and maybe one downstairs off the family room where this is a true four bedroom house on one level.

MR. LUCIA: So if we took say a midpoint in that range of values and said the property's worth \$120,000 given the single offer we have had in the entire one year the property has been exposed to the market where we're reducing it by this \$5,000 of the purchaser's closing costs and brokers commission we're down to 93,7, that

is a 22 percent loss in a year. It really is the situation I think where the house may well be overbuilt for the neighborhood. I think you certainly hear from brokers all the time that location is one of the most important aspects of any piece of real estate. And if you go down Pine Street, you'll see that it is improved mainly by smaller homes and this one is just unusually large and apparently the market is not reacting to the fact that this house is somewhat I guess overbuilt for its location and on a somewhat larger than usual lot and Mr. Olsen is faced with this lack of a reasonable return which given the numbers you have just heard from Miss Anderson, probably is pretty substantial. Just to put in the record some of his charges as I mentioned the mortgage is probably lower than most people would carry on a house of this value, \$60,000 mortgage but that generates annual payments of \$7,123, taxes on the property annually are \$3,723, water and sewer at a minimum is \$180, homeowner's insurance 485. Just taking those very basic figures that obviously excludes utilities, any kind of allowance for maintenance and repairs on the property and profit for an owner which reasonably should be entitled to that is an annual expense on the property of \$11,500 or monthly of \$959 and Mr. Olsen just is not able to carry at that value. And he's attempting to get out of it and can't even recoup his investment or anything even close to it whether he use the 130 that he paid for it and as Miss Anderson says a midpoint value of 120. In either case, he's only getting 93,7 only one offer he's had in the past year. So I think considered altogether, there may well be a case of substantial hardship and it is in fact financially significant here. He cannot realize a reasonable return. If we look at the zoning table, there isn't really much that is permitted in the R-4 zone, other than the one family use. If you look at our application, I have done a fairly long analysis and I won't bore you with repeating that but I commend it to you, given the size of property basically it's usable only as a single family dwelling. There is a couple accessory uses it could be used for, customary home occupation, home professional office but given the location on a dead-end street with almost no turnarounds at the end of the street and since it's not visible from Union Avenue those probably are not

particularly viable accessory uses. The other thing that I think we have to keep in mind since the property has been on the market for a year presumably anyone looking at it is aware of those professional uses, those accessory uses rather and obviously it has not been reflected in anyone making an offer which would yield Mr. Olsen a reasonable return on the property. The property also could be used as a residence care facility subject to site plan approval and special permit. It's in the ordinance, I have got to speak to it, but it's probably not a viable alternative. You have a piece of property that would have substantial health, safety and welfare considerations before it could be converted in that way. There is a stream on the property. There's no sidewalks. We'd need handicapped accessibility. I would venture a guess that by the time you spent all the money to convert it, you won't realize a reasonable return on that analysis either. The homeowner's situation is not entirely unique. There are a couple other two family dwellings in the area. There's one I think just four houses up on Union Avenue, it's a smaller house actually but it is a pre-existing two family and another one on Union Avenue, am I correct on that?

MRS. ANDERSON: Yes.

MR. LUCIA: As I say, it's not a common use in the area but it's also not unheard of. And can I speak to anything else that may be of interest to you?

MR. NUGENT: What kind of off-street parking do they have?

MR. LUCIA: There is a driveway actually thank you for asking that, there have been minimal changes to the dwelling, the exterior will not change at all, except for Mr. Olsen will pour a concrete access in the back to the back door and square off the parking so there will be parking spaces for four cars. Other than those two changes nothing on the exterior of the building will change. It will look exactly as it does now.

MR. NUGENT: Only entrance to the apartment would be from the back?

MR. LUCIA: From the back there's an existing door there and he would put in a concrete walk.

MR. NUGENT: It's only 750 square feet so because basically, you're talking about a studio apartment?

MR. LUCIA: Exactly.

MR. TORLEY: Ma'am, a year ago when you purchased the house for \$130,000, the range of pricing for houses around 118, 120, somewhere in that ballpark?

MS. ANDESRSN: At that time?

MR. TORLEY: Yes.

MRS. ANDERSON: At that time was probably a little bit higher, somewhere around \$124,000, 126.

MR. TORLEY: For a house that was selling 124 last year what would it be selling for now?

MRS. ANDERSON: Somewhere between maybe 118, 122.

MR. TORLEY: So there's been a general decline but this one has not had an offer that matches that?

MS. ANDERSON: No, the only offer I had cause I had total control was the \$100,000 offer in a whole year cause it was listed from September to September. The problem that I had was that people that looked at it because they saw that it was a large, you know, actual four bedroom house, didn't want that because it's the biggest house on the street and it's not always advantageous to have the largest house on the area because you're paying more money for it than the other homes that are not worth that.

MR. KANE: So, you're never really going to see an increase in the property values as fast as the other homes in the area so the incentive is not there.

MRS. ANDERSON: Yes, if it was worth \$90,000 or 95,000.

MRS. ANDERSON: The other homes are worth 120, 125, it's better that your house is going to improve where the most expensive won't.

MRL NUGENT: That is 16,000 square foot lot?

MR. LUCIA: That is correct.

MR. NUGENT: And it has all utilities, correct?

MR. LUCIA: Both water and sewer, that is correct.

MR. NUGENT: Are there any further questions by the board at this time?

MR. KANE: Not at this time.

MR. NUGENT: I'd like to open it up to the public and please state your name and address so that the steno can get it. Anybody care to comment?

JOYCE PALELLA (phonetic): 273 Union Avenue, New Windsor, I'm right off Pine Street.

MR. NUGENT: What's your comment?

MS. PALELLA: No objection.

MR. NUGENT: Thank you. Anyone else?

MARGARET MILSPAUGH: 226 Spruce Street. Is this in other words this is for a rental purpose?

MR. NUGENT: That is correct.

MR. TORLEY: Mike, what's the minimum size for apartment?

MR. NUGENT: 600?

MR. BABCOCK: Yes.

MR. NUGENT: No further questions by the audience? Well then I'll close the public hearing and open it back up to the board for any further discussion.

MR. TORLEY: You said there were two other two-family houses in that area?

MR. LUCIA: Two that we know of. One is presently for sale, it's on Union Avenue, it's four houses up from Pine Street as you come up towards 32.

MR. OLSEN: It's on 32 towards Union Avenue.

MR. LUCIA: It's apparently being sold as a two family.

MS. BARNHART: But it's not a legal two family.

MR. LUCIA: I can't speak from personal knowledge. I have been told it's a two family. Whether it's legal, I can make no representation on that. And another one on Union Avenue, is that correct?

MR. OLSEN: Yes.

MR. LUCIA: Behind the deli there's another two family.

MR. OLSEN: On a hill.

MRS. ANDERSON: That one just sold.

MR. LUCIA: As a two family?

MRS. ANDERSON: As a legal two family.

MR. LANGANKE: That pre-exists zoning?

MR. LUCIA: I don't know the answer to that.

MRS. ANDERSON: I don't know. That was, it's the brick house just up above the deli and it was a legal, it was a legal two family. I actually showed that for sale and it's down as a legal two family house.

MR. TORLEY: I'm sure an owner may put something down that may not be factually correct.

MS. BARNHART: It's not a legal apartment.

MR. OLSEN: The apartment is fairly new because it was added on the back of the house.

MS. BARNHART: That is right, it was added on a couple years ago. It was never a two-family house. My daughter used to take lessons downstairs in the basement, that is where Mrs. Maronuchi (phonetic) used to give her lessons. I have been in the house a million times, they converted it two years ago.

MR. TORLEY: I appreciate that if you change that in your records.

MS. ANDERSON: Not mine.

MR. TORLEY: Don't show it to somebody as a two-family house.

MRS. ANDERSON: I thought that it was checked twice that it was a two-family house.

MR. TORLEY: It's been our experience that the assessment may not match up with the legality of the use of the house.

MR. NUGENT: Mr. Lucia, is there contemplated lighting going to be installed for the access to the rear?

MR. OLSEN: Yeah, whatever I need. I have spotlights on the back of the house now they were there when the house was built.

MR. NUGENT: You have them already?

MR. OLSEN: Yes.

MR. NUGENT: What I was getting at was that it won't be objected, the neighbors won't object to the lighting?

MR. OLSEN: All the lights, all four corners have been on it for since my mother bought the house in '68.

MR. NUGENT: Any further questions by the board? I'll accept a motion.

November 27, 1995

39

MR. LANGANKE: I'll make the motion.

MR. KANE: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	NO
MR. REIS	AYE
MR. NUGENT	AYE

Final
July 10th, 1995
#95-37-

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: MAY 23, 1995

APPLICANT: WALTER OLSEN *564-2650*
227 PINE STREET
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: MAY 19, 1995
FOR (BUILDING PERMIT): CONVERSION TO TWO (2) FAMILY
LOCATED AT: 227 PINE STREET

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 24, BLOCK: 4, LOT: 8
EXISTING: ONE FAMILY HOME

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. TWO (2) FAMILY NOT A PERMITTED USE IN AN R-4 ZONE

Robert L. Schmitt
BUILDING INSPECTOR

REQUIREMENTS

PROPOSED OR
AVAILABLE

VARIANCE
REQUEST

ZONE: R-4

USE: R-4 BULK TABLE

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD.

CC: Z.B.A. APPLICANT, B.P. FILES.

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises Walter T. Olsen
Address 227 Pine St Phone 564-6739
Name of Architect _____
Address _____ Phone _____
Name of Contractor WALT OLSEN
Address 355 B. Coons Walden, Idaho Phone 564-2650

State whether applicant is owner, lessee, agent, architect, engineer or builder. Owner

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the 227 Pine St side of East
(N, S, E, or W.)
and 300 feet from the intersection of Union & Pine
2. Zone or use district in which premises are situated RH Is property a flood zone? Yes No
3. Tax Map description of property: Section 24 Block 4 Lot 8
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy Residence b. Intended use and occupancy Same
5. Nature of work (check which applicable): New Building Addition Alteration Repair
Removal Demolition Other 2 Family
6. Size of lot: Front Rear 119 Depth 150 Front Yard 119 Rear Yard 192 Side Yard 72
Is this a corner lot? No
7. Dimensions of entire new construction: Front Rear Depth Height Number of stories
8. If dwelling, number of dwelling units 1 Number of dwelling units on each floor
Number of bedrooms 4 Baths 2 1/2 Toilets 3
Heating Plant: Gas Oil Electric/Hot Air Hot Water
If Garage, number of cars
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use
10. Estimated cost 10,000 Fee
(to be paid on this application)
11. School District Newburg

I would like to convert to 2 Family

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

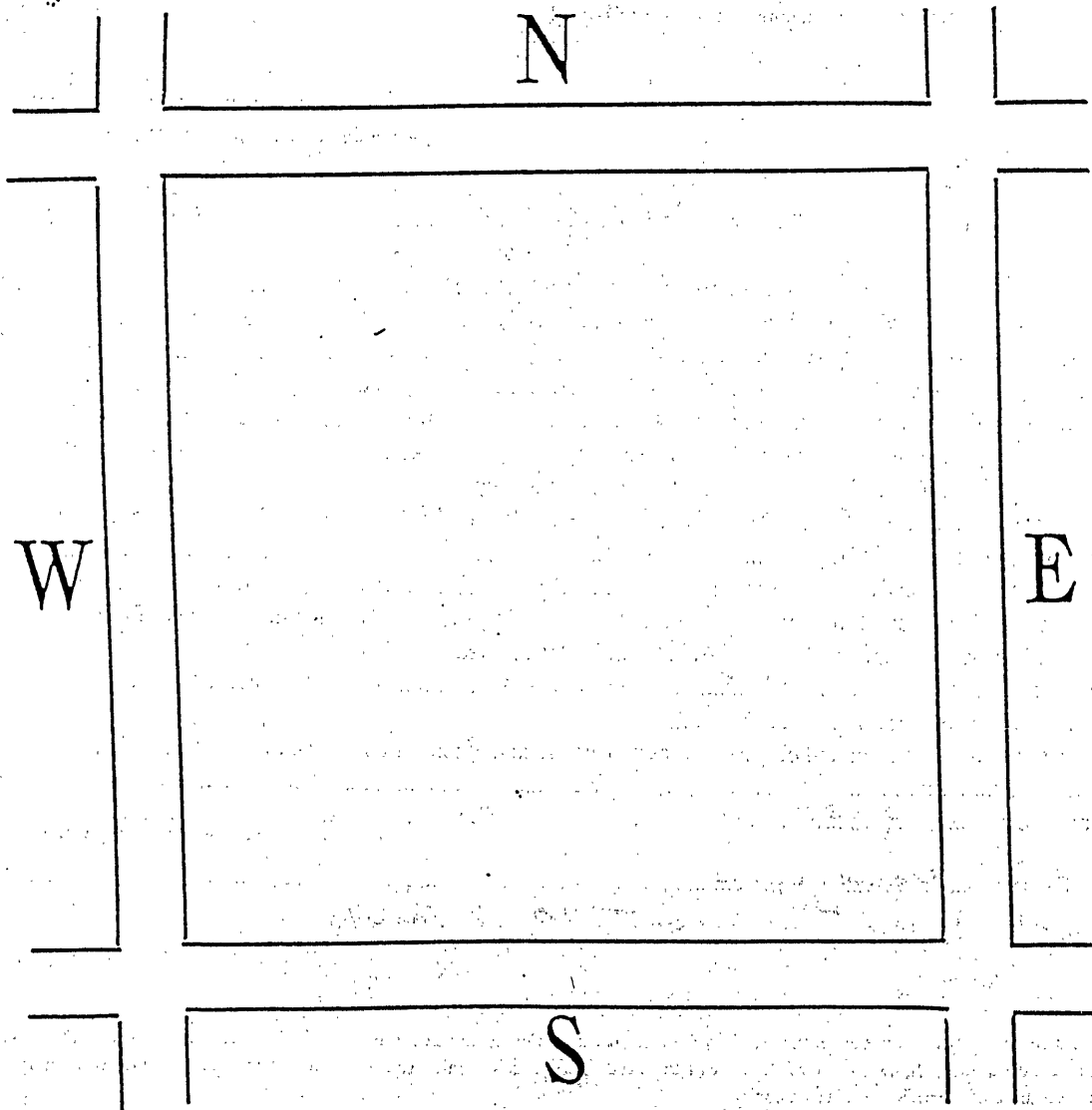
Max O'Neil
(Signature of Applicant)

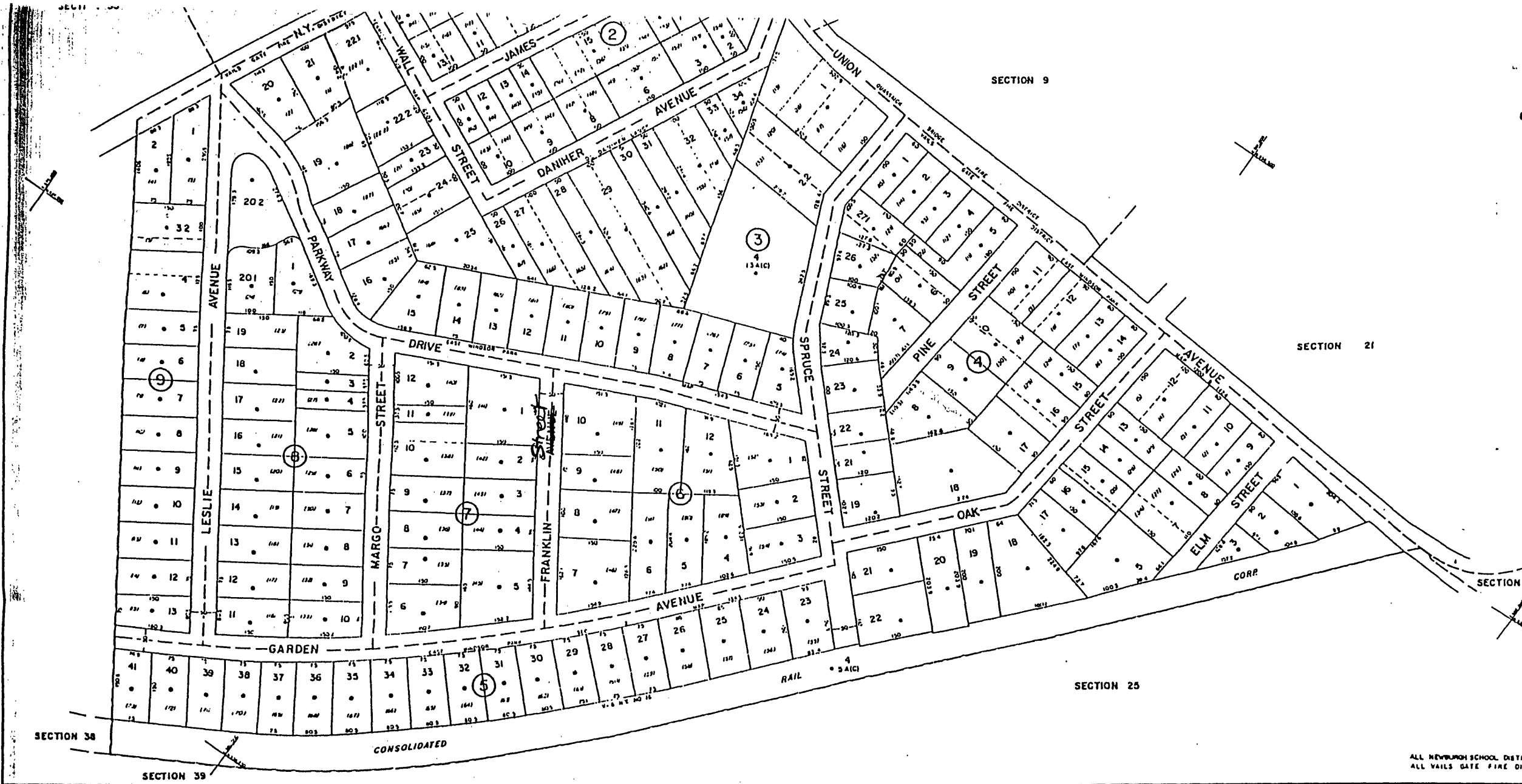
355 Browns Rd. Walden NY
(Address of Applicant) 12572

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.





AERO SERVICE
 CORPORATION
 100-100 101st Street, Queens, N.Y.
 FOR TAX PURPOSES ONLY
 NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	SEE MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE LINE	ESTABLISHED LOT LINE	SEE MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LINE	MATCH LINE	ADDRESS	STATE HIGHWAYS
SPECIAL DISTANCE LINE	STREAM	DIMENSIONS	COUNTY HIGHWAYS
PROPERTY LINE			TOWN ROADS

ORANGE COUNTY~NEW YORK
 Photo No. 14-3132 Date of Map 9-24-57
 Date of Photo 3-1-55 Date of Revision 3-1-51
 Scale 1"=100'

TOWN OF NEW WINDSOR
 Section No. 24

ALL NEWBURN SCHOOL DIST.
 ALL VAILS GATE FIRE DI

Front

30'

6' x 5'

Bed Room

6' x 14'

Living Room

24'

Kitchen

15' x 5'

0 0
0 0

Stove

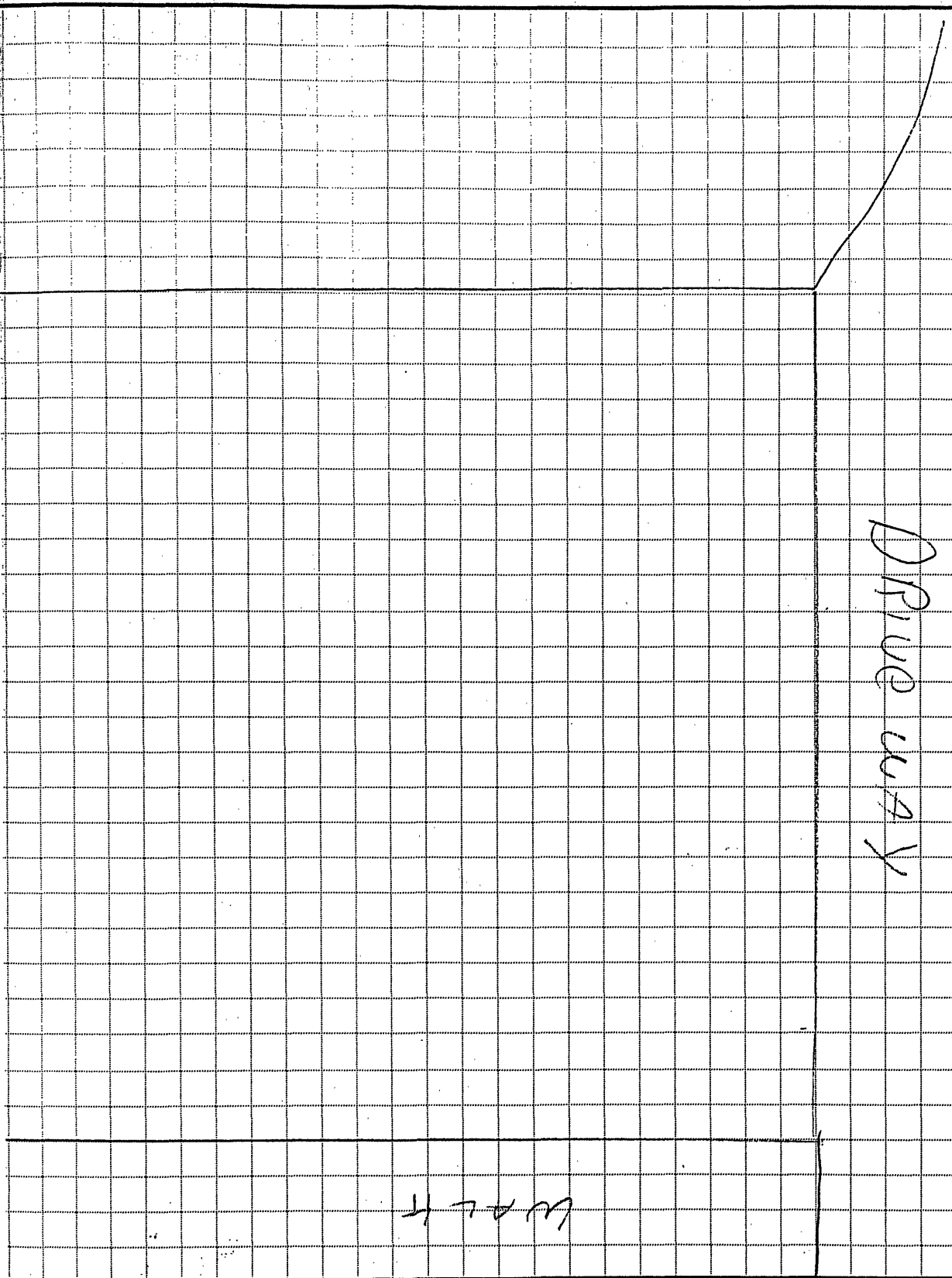
0 0
0 0

REF

3

0

Entry



ALT OLSEN CONTRACTING
2 Box 313 Browns Road
WALDEN, NEW YORK 12586
(914) 564-2650

JOB _____
SHEET NO. _____ OF _____
CALCULATED BY _____ DATE _____
CHECKED BY _____ DATE _____
SCALE _____



ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----X
In the Matter of Application for Variance of

Walter Olsen,

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

95-37.

-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On Nov. 15, 1995, I compared the 67 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
15th day of November, 1995.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1997

(TA DOCDISK#7-030586.AOS)

1/27/95 Public Hearing: Olsen, Walter #95-37.

Name:	Address:
Joyce R. Pelella ^{no objection}	273 Union Ave., N.W. (Corner Pine/Union)
Margaret McElspach	226 Spruce St. N.W.
R. McElspach	226 SPRUCE ST N.W.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(67)

November 7, 1995

Mr. Walter T. Olsen
227 Pine Street
New Windsor, N. Y. 12553

Re: Tax Map Parcel #24-04-08

Dear Mr. Olsen:

According to our records, the attached list of property owners are within five Hundred (500) feet of the above-referenced property.

The charge for this service is \$85.00, minus your deposit of \$25.00, leaves a balance due of \$60.00.

Sincerely,

LESLIE COOK
Sole Assessor

/pab
Attachment

cc: Patricia A. Barnhart, ZBA

White, Joseph P. & Dolores X
1 Franklin Avenue
New Windsor, N. Y. 12553

Hutson, Brenda X
264 Union Avenue
New Windsor, N. Y. 12553

Maestrini, Ivan & Maria X
260 Union Avenue
New Windsor, N. Y. 12553

Grillo, Salvatore & Maria X
256 Union Avenue
New Windsor, N. Y. 12553

Malinowski, Genevieve X
293 Union Avenue
New Windsor, N. Y. 12553

Millspaugh, Robert A. & Margaret L.
226 Spruce Street
New Windsor, N. Y. 12553 X

Johnson, Charles Carl & Anna S.
230 Spruce Street
New Windsor, N. Y. 12553 X

Henry, William R.
150 Old Route 9W-Unit 48 X
New Windsor, N. Y. 12553

S & S Supreme Builders Ltd. X
P. O. Box 59
Highland Mills, N. Y. 10930

Jamison, Thomas L. & Eileen S. X
228 Parkway Drive
New Windsor, N. Y. 12553

Olson, Doris M. X
235 Daniher Avenue
New Windsor, N. Y. 12553

Pugliese, Vincent & Concetta X
233 Daniher Avenue
New Windsor, N. Y. 12553

Ferraiolo, Frank X
16 Bluestem Road
Essex Junction, VT 05452

Jensen, James C., Sr. & Anna D. X
281 Union Avenue
New Windsor, N. Y. 12553

Delgatto, Johanna & Vincent X
279 Union Avenue

New Windsor, N. Y. 12553

Lord, Mary A. X
275 Union Avenue
New Windsor, N. Y. 12553

Heinz, Edward M. & Monica M.
224 Pine Street X
New Windsor, N. Y. 12553

Rayford, Henry E. & Shirley A.
226 Pine Street X
New Windsor, N. Y. 12553

Sciolto, Louis J. & Virginia A.
225 Pine Street X
New Windsor, N. Y. 12553

Williams, Robert J. & Diann
223 Pine Street X
New Windsor, N. Y. 12553

Pelella, Joyce & Eugene X
273 Union Avenue
New Windsor, N. Y. 12553

Horton, William Francis Y
269 Union Avenue
New Windsor, N. Y. 12553

Sadler, Ronald E. & Marie E. X
267 Union Avenue
New Windsor, N. Y. 12553

Woody, Fred T. & Dawn M. X
263 Union Avenue
New Windsor, N. Y. 12553

Conley, Alfred S., Sr. & Mary Ann
224 Oak Street Y
New Windsor, N. Y. 12553

Pagliaro, Robert & Susan X
226 Oak Street
New Windsor, N. Y. 12553

Garzione, Nicholas & Janice V
228 Oak Street
New Windsor, N. Y. 12553

McGrath, Joseph & Elsie X
230 Oak Street
New Windsor, N. Y. 12553

Manzo, Lisa M. & DeMatteo, Joseph P.
237 Spruce Street X
New Windsor, N. Y. 12553

Deyo, Patricia Jo
Davenport, Mary Jane X
235 Spruce Street
New Windsor, N. Y. 12553

Coffey, Andrew & Nancy
233 Spruce Street X
New Windsor, N. Y. 12553

Pavlik, Mark E. & Maureen
231 Spruce Street X
New Windsor, N. Y. 12553

Wright, James C.
3 St. Anne Drive X
New Windsor, N. Y. 12553

Lucchesi, Richard & Kathleen
227 Spruce Street
New Windsor, N. Y. 12553 X

White, Joseph, Jr.
Muoio, Joan M.
225 Spruce Street X
New Windsor, N. Y. 12553

Anderson, Janet
% Graham, Janet X
6 Elm Street
New Windsor, N. Y. 12553

King, Alex & Irene P. X
4 Elm Street
New Windsor, N. Y. 12553

Domingo Jose M. & Rebecca
3 Elm Street X
New Windsor, N. Y. 12553

Schiela, Linda J. X
251 Union Avenue
New Windsor, N. Y. 12553

McQuiston, John Gordon & Mary L.K.
257 Union Avenue X
New Windsor, N. Y. 12553

Snyder, Tonina L.
261 Union Avenue
New Windsor, N. Y. 12553 Y

Walsh, Jerome L. & Mary E.
223 Oak Street X
New Windsor, N. Y. 12553

Bliss, Edna V.
225 Oak Street X
New Windsor, N. Y. 12553

Montrone, Philip J. & Adrienne S.
227 Oak Street
New Windsor, N. Y. 12553 X

Beach, Edward C. & Marie L.
229 Oak Street
New Windsor, N. Y. 12553 X

Walsh, William V. & Charlotte
231 Oak Street
New Windsor, N. Y. 12553 X

Haley, Joseph V. & Alice M.
223 Oak Street
New Windsor, N. Y. 12553 X

Ruggiero, Isadore C. & Concetta
235 Oak Street
New Windsor, N. Y. 12553 X

Bynum, Melvin & Eva
237 Oak Street
New Windsor, N. Y. 12553 X

Laverty, Robert L. & Ruth W.
239 Spruce Street
Newburgh, N. Y. 12553 X

Mullin, Dennis & Ann
241 Spruce Street
New Windsor, N. Y. 12553 X

Chewens, Robert F. & Luciana
242 Spruce Street
New Windsor, N. Y. 12553 X

Kosecsky, Joseph
223 Garden Street
New Windsor, N. Y. 12553 X

Antonelli Elizabeth C.
6 Garden Street
New Windsor, N. Y. 12553 X

Holderfield, William H. & Linda R.
236 Spruce Street
New Windsor, N. Y. 12553 X

O'Neil, Louis E.
Hamilton, Jacalyn L.
238 Spruce Street
New Windsor, N. Y. 12553 X

Murphy, William
McGuinness, Kathleen
240 Spruce Street
New Windsor, N. Y. 12553 X

Case, Richard & Angela X
224 Garden Street
New Windsor, N. Y. 12553

Krutchick, Esther X
18 Kings Gate Road
Suffern, N. Y. 10901

Zeger, Emiel & Serena X
228 Garden Street
New Windsor, N. Y. 12553

Krieger, Andrew S. X
219 Quassaick Avenue
New Windsor, N. Y. 12553

Martin, John & Theresa A. X
223 Parkway Drive
New Windsor, N. Y. 12553

Nolan, Robert E. & Carole T. X
305 Cloverdale Court
New Windsor, N.Y. 12553

Town of New Windsor X
555 Union Avenue
New Windsor, N. Y. 12553

Naclerio, Christine L. X
408 Carlton Circle
New Windsor, N. Y. 12553

Kreeger, William X
410 Carlton Circle
New Windsor, N. Y. 12553

Catania, Vincent & Kathleen X
411 Carlton Circle
New Windsor, N. Y. 12553

Pls. publish immediately. Send bill to: Applicant at below address.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 37.

Request of WALTER T. OLSEN and ALICIA E. OLSEN

for a VARIANCE of the Zoning Local Law to permit:
the conversion of an existing one family dwelling to a two
family dwelling, a use not permitted in the R-4 zone

being a VARIANCE of Section 48-9, Table of Use/Bulk Regs.,
R-4 zone, Col. A 10

for property situated as follows:
227 Pine Street, New Windsor, NY

known as tax lot Section 24 Block 4 Lot 8.

SAID HEARING will take place on the 27th day of November,
1995, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

James E. Nugent, Jr.

Chairman

By: Patricia A. Barnhart, Secy.

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

IF ON TYPE: BLACK INK ONLY

CAROLE S. OLSEN

TO

WALTER T. OLSEN and
ALICIA E. OLSEN

SECTION 24 BLOCK 4 LOT 8

RECORD AND RETURN TO:
(Name and Address)

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY.

BLOOM & BLOOM, P.C.
530 BLOOMING GROVE TURNPIKE
PO Box 4323
NEW WINDSOR, NY 12553

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 62419 DATE 10/19/94 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED X MORTGAGE SATISFACTION ASSIGNMENT OTHER

320 Blooming Grove
H22 Chester
O24 Cornwall
H20 Crawford
P20 Deepark
O30 Goshen
H32 Greenville
H34 Hamptonburgh
H30 Highlands
AK30 Minerva
AE40 Monroe
AY42 Montgomery
AH44 Mount Hope
HT40 Newburgh (N)
HW40 New Windsor
TU50 Tuxedo
AL52 Wallkill
AK54 Warwick
WA50 Wawayanda
WO50 Woodbury
MN00 Middletown
NC11 Newburgh
PJ13 Port Jervis
0000 Hold

SERIAL NO.

Mortgage Amount \$

Exempt Yes No

3-B Cooking Units Yes No

Received Tax on above Mortgage

Unslc \$

MTA \$

Spec. Add. \$

TOTAL \$

JOAN A. MACCHI
Orange County Clerk

by:

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on OCT 21 1994

at 7:26 O'clock deed M.

In Liber/Film 325

at page and examined.

County Clerk

CHECK X CASH CHANGE

MORTGAGE TAX \$

TRANSFER TAX \$ 520.00

ED. FUND \$ 0.00

RECORD. FEE \$ 20.00

REPORT FORMS \$ 30.00

CERT. COPIES \$

Goshen Seniors

RECEIVED
\$ 520.00
REAL ESTATE
OCT 21 1994
TRANSFER TAX
ORANGE COUNTY

GOSHEN SEARCHERS INC.
20 SCOTCHTOWN AVENUE
GOSHEN, NEW YORK 10924
OFFICE: 914-294-5110
COUNTY BUILDING: 914-294-8913
NEWBURGH TIE LINE: 914-564-6150
FAX 914-294-9581

LIBER 4126 PAGE 325

ORG 10/21/94 12:34:43 48921 50.00
***** EDUCATION FUND: 5.00 *****
DEED CONTROL NO: 62419 520.00 *
***** SERIAL NUMBER: 002448 *****

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

GO 7329

THIS INDENTURE, made the 19th day of October, nineteen hundred and Ninety-Four.

BETWEEN

CAROLE S. OLSEN

227 Pine Road

New Windsor, New York 12553

party of the first part, and
and Wife

WALTER T. OLSEN and ALICIA E. OLSEN, Husband
355 Browns Road
Walden, New York 12586

WTO
ao

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party for the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York, at East Windsor Park, and more particularly bounded and described as follows:

BEGINNING at a point in the easterly line of Pine Street a distance of 360 feet measured along said line from the southerly line of Union Avenue, and runs thence South 17° 30' West 119.35 feet more or less, on a line which is an extension of the easterly line of Pine Street, to a point; thence South 31° 40' East 68.60 feet more or less, to a point; thence North 54° 38' East 162.65 feet more or less to a point; thence North 17° 30' East 30 feet to a point; thence North 72° 30' West 150 feet to the point or place of beginning.

SUBJECT TO THE FOLLOWING RESTRICTIONS, RESERVATIONS, COVENANTS AND CONDITIONS which shall run with the title to said land forever:

1. That neither the said parties of the second part nor their heirs or assigns shall or will erect upon any portion of the aforesaid premises any building excepting a private automobile garage as provided for in the next paragraph, other than a detached dwelling house costing not less than \$2,500.00, and the first floor of said dwelling, when so erected, shall have an area of not less than 600 feet and such dwelling shall not be constructed of exposed concrete blocks above the foundation thereof.

2. That neither the parties of the second part, nor their heirs or assigns shall or will erect more than three such dwelling and private automobile garages appurtenant to each, and such garages, when so erected, shall not be larger than to accommodate two automobiles, provided that every part of such garage, if not attached to the dwelling house, when erected shall be at the rear of the dwelling house and that no portion of such garage, unless so attached, shall be closer to the road or street that is the rear of the dwelling house, on said premises. (continued - Page 2)

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

LIBER 4126 PAGE

326

CAROLE S. OLSEN

CAROLE S. OLSEN

2010 116

287

STEVEN P. DRABICK



PROFESSIONAL LAND SURVEYOR

PO BOX 539, CONTINENTAL RD.
CORNWALL, NEW YORK 12518

(914) 534-2208

LANDS TO BE CONVEYED TO OLSEN

L E G A L D E S C R I P T I O N

ALL that certain piece or parcel of land, with the improvements thereon, situate, lying and being in the Town of New Windsor, Orange County of Orange, State of New York and bounded and described as follows:

BEGINNING at a point in the easterly line of Pine Street a distance of 360 feet measured along said line from the southerly line of Union Avenue;

THENCE South 72 degrees 30 minutes 00 seconds East for a distance of 150.00 feet along the southerly bounds of lands now or formerly of Sciolto, Liber 2144, Page 748 to a point marked by an iron pipe found at a wire fence intersection in the westerly bounds of lands now or formerly of Garzione, Liber 2022, Page 965;

THENCE South 17 degrees 30 minutes 00 seconds West for a distance of 30.00 feet along said lands of Garzione to a point marked by an iron rod found;

THENCE South 53 degrees 30 minutes 38 seconds West for a distance of 162.65 feet along the northwesterly bounds of lands now or formerly of MacGrath, Liber 1858, Page 535 to a point marked by an iron pipe found;

THENCE North 31 degrees 40 minutes 00 seconds West for a distance of 71.86 feet along the northeasterly bounds of lands now or formerly of Deyo, Liber 3128, Page 6 and the northeasterly bounds of lands now or formerly of Coffey, Liber 2166, Page 749 to a point in the easterly line of Pine Street at its southerly terminus;

THENCE North 17 degrees 30 minutes 00 seconds East for a distance of 114.58 feet along the easterly line of Pine Street to the POINT OR PLACE OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 0.3826 acres more or less.

The above parcel is described according to a field survey completed on September 27, 1994 by Steven P. Drabick, P.L.S. Bearings refer to deed of record.

3. That neither the parties of the second part, nor their heirs or assigns shall or will erect or permit upon any portion of said premises any dwelling the front foundations wall of which is less than 20 feet from the line of the street on which it fronts and the nearest side foundation wall of which is less than 20 feet from the line of any side street.

4. That neither the parties of the second part, nor their heirs or assigns, shall or will manufacture or sell or cause or permit to be manufactured or sold on any portion of the premises hereby conveyed any goods or merchandise of any kind and will not carry on or permit to be carried on any part of said premises any trade or business whatsoever without the consent of New Windsor Coal Co., Inc., its successors or assigns.

5. That no public or private nuisance shall be maintained on said premises, and a nuisance shall be construed to cover any premises which are unsightly, which are not in keeping with, and which are a detriment to the general appearance of the neighborhood. In this connection, the storage of any objects or materials shall be considered a nuisance.

6. That neither the parties of the second part, nor their heirs or assigns shall keep or permit any animals or birds, excepting an ordinary and reasonable number or household pets upon the property hereby conveyed.

7. No trailer, basement, tent, garage, or other outbuildings erected on said premises shall be at any time used as a residence, temporarily or permanently, nor shall any structure of a temporary character be erected or used as a residence.

Sub 4126 Pt 329

8. That neither the parties of the second part, their heirs or assigns shall or will cause or permit to be erected any fences except hedgerows or shrubbery upon or along the lines of the above described premises, which fences are designed for or serve the purpose of division fences.

9. That said premises are conveyed to the parties of the second part, their heirs or assigns, subject to the provisions that when constructed the well shall be located and the sewage disposal system installed in accordance with the Health Law of the State of New York, and all applicable rules and regulations of any other governmental agency.

10. Invalidation of any one of these covenants by judgment or court order shall in no manner affect any of the other provisions, which shall remain in full force and effect.

11. The parties of the second part, by accepting this deed covenant that neither they nor their heirs or assigns, shall at any time divert, interfere with or in any manner affect the flow of water as it now occurs over, through and upon the described premises without prior written permission of New Windsor Coal Company, its successors or assigns.

These covenants are to run with the land, except, however, it is mutually understood and agreed that the above restrictions may be altered or annulled at any time by written agreement by and between the party of the first part, its successors or assigns, and the owner for the time being of any parcel upon which it is mutually agreed to alter or annul said covenants or restrictions and such agreement shall be effectual to alter or annul said covenants and restrictions as to said premises without the consent of the owner or owners, of any adjacent premises. Nothing herein contained shall be construed nor shall there be any obligations upon the party of the first part, its successors or assigns to restrict in any manner any other premises now or

LIBER 4126 PAGE 329 A

Page 3

(Section 24 Block 4 Lot 8)

hereafter owned by the party of the first part, its successors or assigns.

This conveyance is subject to the terms and conditions of the Agreement dated October 7, 1994 between the Grantor, Carole S. Olsen and Grantee, Walter T. Olsen.

BEING the same premises conveyed by deed dated March 25, 1969 to Carole S. Olsen from Hyman Sherman and Ruth Sherman, husband and wife recorded in the Orange County Clerk's Office on March 28, 1969 in Liber 1816 at Page 482.

File: 4/26 pg 329B

PROJECT I.D. NUMBER

ZBA # 95-37

617.21

SEQR

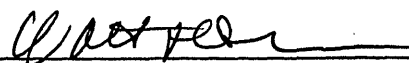
Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR WALTER T. OLSEN and ALICIA E. OLSEN		2. PROJECT NAME Proposed Conversion from one family to two family dwelling	
3. PROJECT LOCATION: Municipality New Windsor County Orange			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 227 Pine Street, New Windsor, NY 12553 Project is located on the east side of Pine Street, approximately 360 feet southerly from the intersection of Pine Street with Union Avenue.			
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: Applicant is the owner of 0.3826 acre property which is improved by an existing one family split level home. Applicant seeks to convert the property to a two family dwelling by adding an apartment on the lower level.			
7. AMOUNT OF LAND AFFECTED: Initially 0.3826 acres Ultimately 0.3826 acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly Property is zoned R-4. One family dwelling use is permitted; two family dwelling use is not permitted. Use variance is required to permit the proposed conversion to two family dwelling use.			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open space <input checked="" type="checkbox"/> Other Vacant Describe: Land use in the vicinity includes residential (predominantly one family with a few two family), commercial (retail, deli, gas, auto repair, sales, body shop), municipal offices and parkland, and vacant land.			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: WALTER T. OLSEN and ALICIA E. OLSEN		Date: Nov. 6, 1995	
Signature: 		Walter T. Olsen	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.67 If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
<hr/>	
Name of Lead Agency	
<hr/>	
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<hr/>	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from responsible officer)
<hr/>	
Date	

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

95-37.

Date: 11/6/95

I. ✓ Applicant Information:

- (a) WALTER T. OLSEN and ALICIA E. OLSEN, 355 Browns Rd, Walden, NY
(Name, address and phone of Applicant) (Owner) 12586
(b) n/a (914) 564-2650
(Name, address and phone of purchaser or lessee)
(c) DANIEL S. LUCIA, ESQ., 343 Temple Hill Rd, New Windsor, NY 12553
(Name, address and phone of attorney) (914) 561-7700
(d) n/a
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☒ Use Variance ☐ Sign Variance
☐ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) R-4 227 Pine Street, New Windsor, NY 24-4-8 114' x 150'
(Zone) (Address) (S B L) (Lot size)
(b) What other zones lie within 500 ft.? none
(c) Is a pending sale or lease subject to ZBA approval of this application? no
(d) When was property purchased by present owner? 10/29/94
(e) Has property been subdivided previously? no
(f) Has property been subject of variance previously? no
If so, when? n/a
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? no
(h) Is there any outside storage at the property now or is any proposed? Describe in detail: no

IV. ✓ Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48-9, Table of Use/Bulk Regs., Col. A, Use 10, to allow: R-4 zone
(Describe proposal) Please see attached Schedule A.

(b) ✓ The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application. Please see attached Schedule A.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: N/A

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

N/A

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

N/A
(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

N/A
(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. *N/A*

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Schedule A

History of the Property

The applicants, Walter T. Olsen and Alicia E. Olsen, are the owners property at 227 Pine Street, New Windsor, New York, which is a 0.3826 acre parcel of residential property improved by a large, four bedroom, split level residence. Pine Street is a short, dead end, residential street located off Union Avenue. There are only five houses on the street, all single family, and all of them smaller than the house on the subject property.

Looking up Pine Street from Union Avenue, one can see the first few houses on Pine Street up until a point at which the grade of Pine Street drops away and the houses at the far end of Pine Street, including the subject house, are not visible from Union Avenue.

The applicants purchased the subject property from Mr. Olsen's mother on October 19, 1994 for a consideration of \$130,000.00. This was believed to be the then-current fair market value for the premises based upon applicants' conversations with their real estate broker and accountant. Mr. Olsen's mother had purchased the property on March 25, 1969.

The applicants soon found that they were having financial difficulty in carrying the house despite the fact that they had only a \$60,000.00, adjustable interest rate, 20 year mortgage. Thus they put the house on the market at an asking price of \$129,900.00, hoping for a quick sale thereof, since that was their understanding of the current market value of the property. The property did not sell and the asking price was reduced to \$125,000.00, and then reduced again to \$120,000.00. To date the

best purchase offer they have received was for \$105,000.00. The applicants refused this purchase offer since it required them to pay \$5,000.00 of purchaser's closing costs so the net sales proceeds to applicants would have been \$100,000.00.

The property is currently zoned as Suburban Residential (hereinafter "R-4"). Use of the property for a one family detached dwelling, not to exceed 1 dwelling on each lot, with both central sewer and central water is a permitted use (Table of Use/Bulk Regulations R-4 zone, Col. A, Use 10). The house on the subject property was constructed before the adoption of zoning in the Town of New Windsor so it is preexisting and nonconforming, in the event of any nonconformity with the present bulk regulations.

The applicants desire to convert the house into a two family dwelling since they are unable to realize a reasonable return on the property as a one family use. The property has been offered for sale for approximately one year and the inability to sell the same at a price which would generate a reasonable return for any permitted use has caused them unnecessary hardship.

The applicants propose to create a one bedroom apartment which will occupy the entire downstairs level of the house, except for the garage bay and utility areas. Due to the down slope of the lot from front to rear, and the split level construction of the house, the apartment will be partly below grade at the front of the house, and it will be accessed at grade level at the rear of the house through an existing door. The changes to the exterior of the property will be minimal, e.g. a concrete walkway will be poured to provide access to the apartment door at the rear of the house and the driveway will be squared off and extended to the rear to create

a parking area for up to four cars. The apartment will contain a living room, bedroom, kitchen with dining area, one bathroom, and washer-dryer area. It is anticipated that the apartment will contain approximately 750 square feet.

There are at least two other two family dwellings in the neighborhood. One is located nearby, on Union Avenue, approximately four houses up from its intersection with Pine Street. The other is a little further away, and is off Union Avenue on the west side of Route 32.

Use Variance

The applicants brings this application before the ZBA in connection with a proposal to convert the existing one family dwelling into a two family dwelling. The applicable zoning regulations and restrictions cause the applicants unnecessary hardship and the proposed conversion to a two family dwelling gives rise to the minimum variance necessary and adequate to address the unnecessary hardship and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The proposed conversion to a two family dwelling entails almost negligible changes to the exterior of the house. In addition, since the apartment which the applicants propose to add to the house is relatively small, the additional impact upon the neighborhood of converting this property to a two family dwelling is negligible.

At the public hearing the applicants expect to present evidence through their real estate broker to show that for each and every permitted use under the zoning regulations for the R-4 zoning

district, the applicants cannot realize a reasonable return on the existing one family dwelling on this 0.3826 acre parcel. The said appraiser will present competent financial evidence to show that the lack of reasonable return is substantial.

In brief, the said appraiser will show that the existing one family dwelling is over built for its location. The subject house is a large, four bedroom, split level residence which is located on a short dead end street containing much smaller houses. The house was capable of generating a reasonable return as a one family dwelling at the time Mr. Olsen's mother purchased it in 1969, and probably for many years thereafter. However, considering 1995 values and the costs of carrying a house this large, it no longer is capable of generating a reasonable return as a one family dwelling in this neighborhood of considerably smaller one family homes. If the same large, four bedroom, split level residence were located in a neighborhood which contained similar sized one family dwellings, there probably would be little difficulty in obtaining a reasonable return on the property.

The subject property contains 0.3826 acres, or 16,667 square feet. A lot of this size is relegated to the smallest minimum lot area permitted in the Table of Use/Bulk Regulations for the R-4 zone. Hence there are not many permitted uses available for a lot of this size other than one family dwellings. The premises could be used for a residence care facility, subject to site plan approval and the granting of special permit for this use. Considering the expense of converting the existing one family dwelling to a residence care facility, and meeting the applicable health, safety and welfare considerations, it is doubtful that the

property would yield a reasonable return for such use. There are two permitted accessory uses which are permissible and might help to generate a reasonable return. The property could be used for a customary home occupation. However, since the property has been offered on the market for over one year, it must be presumed that some potential purchasers were aware of this permitted accessory use and it did not result in anyone making an offer to purchase greater than the current best offer of \$105,000.00 (net of \$100,000.00), which does not yield a reasonable return to the applicants. The property could be used for a home professional office subject to the requirements of the Zoning Local Law of the Town of New Windsor, New York. Again in this instance, since this is a permitted accessory use, it must be presumed that some potential purchasers were aware of the possibility of using the property in such a manner but it did not result in any higher purchase offers.

One of the problems inherent in any use other than exclusively residential for this property is that Pine Street is a short, dead end street. Thus there are limited provisions for traffic turning around on the street. In addition, the subject house is located beyond the point at which the grade of Pine Street drops away from Union Avenue. Thus the subject house is not visible from Union Avenue. This substantially diminishes the utility of the property to anyone hoping to derive additional income from the property by using the same for a customary home occupation or a home professional office.

Considering the unsuitability of the property for each and every permitted use in the R-4 zone, except residential use,

and considering that the applicants are unable to realize a reasonable return if confined to the permitted one family dwelling R-4 use, the applicants submit the present application to convert the existing one family dwelling to a two family dwelling.

The hardship relating to this property is unique. The subject house is considerably larger than the neighboring houses on this short, dead end street. The smaller neighboring houses are less expensive to carry, and thus are more suitable to one family use than the subject house which is so burdened with its carrying expenses that it will not yield a reasonable return when used for any permitted use. This hardship does not apply to a substantial portion of the district or neighborhood.

The requested use variance will not alter the essential character of the neighborhood. The immediate neighborhood is composed of predominantly one family dwellings together with a few two family dwellings. The exterior changes to the subject will be minimal and will retain the same character as the existing one family house. Thus the essential residential character of the neighborhood will not be altered.

The hardship has not been self-created. The applicants' house was constructed before the adoption of zoning by the Town of New Windsor. Even after the adoption of zoning, the use of this property as a one family dwelling was economic and would allow an owner to realize a reasonable return for many years. The problem with the subject parcel became apparent when property values began to rise and there was a corresponding rise in the expenses of carrying the house. Since this house was much larger than the neighboring houses, its location on this short, dead end street

held down the increase in the value of this property. However, there was nothing to hold down the corresponding rise in the expenses of carrying such a large house. Thus the applicants cannot realize a reasonable return for each and every permitted use in the R-4 zone, creating unnecessary hardship, and the applicants bring the present application to obtain relief from this hardship.

Conclusion

For the aforesaid reasons, the applicants respectfully submit that they have shown that the applicable zoning regulations and restrictions have caused unnecessary hardship and that they are entitled to the requested use variance.

It is respectfully submitted that the use variance requested by the applicants is the minimum variance necessary and adequate to address the unnecessary hardship shown by the applicants, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Date 8/3/93, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Frances Roth 147 Sycamore Dr DR.
New Windsor Ny 12553

[illegible]

PRELIMINARY MEETING:

OLSEN, WALTER

MR. NUGENT: First preliminary meeting Walter Olsen.

Mr. Walter Olsen appeared before the board for this proposal.

MR. OLSEN: Basically, what I want to do is my mother's house and she's living there alone, she's retired now, she can't afford to stay there anymore, taxes are kind of eating her up and she's on pension so what I want to do is convert the downstairs, it's a split level, it's good sized house, it's four bedrooms upstairs over the area that I want to convert and four bedrooms two baths up there and I want to do underneath that lower half, make a small apartment out of that to offset some of the tax money so I can get some rent for it.

MR. NUGENT: Well, there is a problem with that and the only problem is that it is a use variance. Criteria for a use variance is pretty stringent. The attorney will give you a copy of what's required by you in order to get this.

MR. OLSEN: All right.

MR. NUGENT: Anyone else have a question?

MR. OLSEN: I wouldn't have to add like on the back of the house where the entrance would be, it's already got a separate door, you know, built that way. It's ground level, plenty of parking area and driveway.

MR. NUGENT: Kitchen and bath downstairs?

MR. OLSEN: Yeah, well, there is a bath down there already. I would add a kitchen down there. I wouldn't make, there's really no changes outside that I have to make to it, to the building.

MR. KRIEGER: Unfortunately, the Zoning Board is in a situation where they must, it must act according to the requirements of the law. It is not a question of how

they feel, whether they feel sympathetic or how sympathetic they may feel towards an applicant. State legislature has handed down certain criteria which the zoning board must follow. I have a list of them here to give you. I want to emphasize at this point that in order for the Zoning Board of Appeals to grant a use variance, you must be able to show by dollars and cents proof that the property cannot be used for a reasonable return for any of the purposes permitted under the zoning law for that property. A reasonable return does not mean a profit. A reasonable return means basically any return. There are other criteria which I have written down here and which I'll give you a copy of. But I want to emphasize that based on what you're saying, it will also be necessary according to the state law that you in applying for a use variance file and complete the steps necessary to comply with the state environmental quality review act. Once again, it's not a criteria that is set forth or made up by this board or even anybody in the town. It's something that has been given to it by the state. I won't say given to it, it's been mandated by the state that that be complied with. The reason I say that is you want to consider the difficulty, the difficulties involved before spending substantial moneys to seek a use variance. It will be required that for you to do so that you notice neighbors, that you get a list from the assessor's office, that you will have to spend considerable sums in obtaining the list, and doing the mailing and making application fee and it is only fair that you understand the difficulties which again the state has imposed upon this board and all similar zoning boards in granting the application. Mr. Chairman, is there anything else you want me to say?

MR. NUGENT: Any other questions?

MR. TORLEY: No questions.

MR. KRIEGER: There was one other thing. The procedure that is mandated by the state requires that before the Zoning Board of Appeals can get--a public hearing has to be held, this is not optional to the Zoning Board of Appeals, it is required. That is the reason I mentioned the business about obtaining a list from the

July 10, 1995

4

assessor's office mailing, there's a publication requirement, all of that is in connection with the public hearing and once again, that is an option on the part of the ZBA that is required.

MR. NUGENT: I'll accept a motion to set Mr. Olsen up for a public hearing.

MR. KANE: Mr. Chairman, I move that we set Walter Olsen up for a public hearing for his requested hearing on a use variance at 227 Pine Street.

MR. TORLEY: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. NUGENT: You want to come up here and we'll give you all the pertinent information you need?

MR. KRIEGER: At the hearing, I'll need to look at a copy of the deed and title report, if you have it. Again, I don't need to keep them, I just need to look at them at the hearing.

MR. NUGENT: And pictures that you can provide would be helpful.

MR. OLSEN: No problem.